

LABOUR DEPARTMENT

The 19th December, 1973

No. 11998-4Lab.-73/40726.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. National Pipe Industries, Chawla Colony, Ballabgarh:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 34 of 1972

between

Shri Vijay Pal and the management of M/s. National Pipe Industries, Chawla Colony, Ballabgarh.

Present:

Shri Roshan Lal Sharma, for the workman.

Nemo, for the management.

AWARD

By order No. ID/FD/759-A-71/1563, dated 20th January, 1972 of the Governor of Haryana, the following dispute was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Vijay Pal was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. The workman has appeared through his authorised representative, but without filing any statement of claim. Service of the management could not be effected. The factory being since close and the whereabouts of the management being not known, the authorised representative of workman concerned has also expressed his inability to furnish the correct address of the management with full particulars. On the other hand, he has made a statement that, in the circumstances, he does not want to proceed with the present reference, but reserves his right to raise a fresh dispute if and when the whereabouts of the management are made known.

In the circumstances, no further proceedings are possible in the present case and the reference shall for the time being stand rejected. The

workman concerned may raise a fresh dispute, if and when advised. There shall be no order as to costs.

Dated the 27th November, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2643, dated 3rd December, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 11997-4 Lab.-73/40729.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. National Pipe Industries, Chawla Colony, Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 36 of 1972.

between

Shri Mohinder Singh and the management of M/s. National Pipe Industries, Chawla Colony, Ballabgarh.

Present :

Shri Roshan Lal Sharma, for the workman.

Nemo, for the management.

AWARD

By order No. ID/FD/579-B-71/1569, dated 20th January, 1972 of the Governor of Haryana, the following dispute was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Mohinder Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. The workman

has appeared through his authorised representative, but without filing any statement of claim. Service of the management could not be effected. The factory being since closed and the whereabouts of the management being not known. The authorised representative of the workman concerned has also expressed his inability to furnish the correct address of the management with full particulars. On the other hand, he has made a statement that, in the circumstances, he does not want to proceed with the present reference, but reserves his right to raise a fresh dispute if and when the whereabouts of the management are made known.

In the circumstances, no further proceedings are possible in the present case and the reference shall for the time being stand rejected. The workman concerned may raise a fresh dispute, if and when advised. There shall be no order as to costs.

Dated 28th November, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2644, dated 3rd December, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 11996-4Lab.-73/40740.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. Chaddha Industries, Mathura Road, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING
OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 86 of 1971.

between

Shri Ram Sagar and the management of M/s. Chaddha Industries, Mathura Road, Faridabad.

Present :

Shri Roshan Lal Sharma, for the workman.
Nemo, for the management.

AWARD

By order No. ID/FD/637-A/17077-81, dated 3rd June, 1971 of the Governor of Haryana, the following dispute was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Ram Sagar was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. The workman has appeared through his authorised representative, but without filing any statement of claim. Service of the management could not be effected. The factory being since closed and the whereabouts of the management being not known. The authorised representative of the workman concerned has also expressed his inability to furnish the correct address of the management with full particulars. On the other hand he has made a statement that, in the circumstances, he does not want to proceed with the present reference but reserves his right to raise a fresh dispute if and when the whereabouts of the management are made known.

In the circumstances, no further proceedings are possible in the present case and the reference shall for the time being stand rejected. The workman concerned may raise a fresh dispute, if and when advised. There shall be no order as to costs.

Dated 28th November, 1973.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2645, dated 3rd December, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 12182-4Lab.-73/40742.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s. Auto and Metal Engineers, 5 N.I.T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING
OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 104 of 1973,

between

SHRI SARAT CHAND WORKMAN AND THE
MANAGEMENT OF M/S AUTO AND METAL
ENGINEERS, 5, N.I.T., FARIDABAD.

Present :—

Nemo, for the workman.

Shri R. C. Sharma, for the management.

AWARD

Shri Sarat Chand concerned workman was in the service of M/s. Auto and Metal Engineers, 5, N.I.T., Faridabad. The management terminated his services with effect from 19th December, 1972. He raised a demand for reinstatement but without success. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the dispute was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/FD/73/20765, dated 22nd June, 1973 of the Governor of Haryana with the following terms of reference:—

Whether the termination of services of Shri Sarat Chand was justified and in order?

If not, to what relief is he entitled?

Usual notices were given to the parties and they were called upon to put in their respective written statements. The statement of claim on behalf of the concerned workman was filed on 10th August, 1973. In the written statement filed on behalf of the management on 25th September, 1973 it was pleaded that Shri Sarat Chand concerned workman had settled his dispute and received payment of Rs. 302 from the management in full and final settlement of his claim. An application of the workman to the above effect was also filed. His authorised representative wanted time to file the application after getting necessary instructions from him and the case was fixed for today. It was further directed that in case the workman did not admit the above plea of settlement raised on behalf of the management he should appear in person to make his statement. He has not come forward to dispute the plea of settlement as raised by the management and his authorised representative Shri Bhim Singh Yadav through whom the demand notice leading to the present reference had been given has also elected

not to appear and pursue the case of the workman.

In the circumstances, the presumption is irresistible that the workman concerned has settled his dispute with the management after the reference and received payment of Rs. 302 in full and final settlement of his entire claims against the management. In the circumstances, he is not entitled to any other relief. The award is made accordingly. The parties are, however, left to bear their own costs.

Dated the 19th November, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1212, dated 30th November, 1973.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated the 19th November, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 12000-4 Lab.-73/40746.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s. Faridabad Central Co-operative Consumer's Store Ltd., N. I. T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING
OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 143 of 1972.

between

SHRI LAKHI RAM AND THE MANAGEMENT
OF M/S. FARIDABAD CENTRAL CO-OPERATIVE
CONSUMER'S STORE LTD., N. I. T.,
FARIDABAD.

Present:—

Shri Darshan Singh, for the workman.
Nemo, for the management.

AWARD

Shri Lakhi Ram was in the service of M/s. Faridabad Central Co-operative Consumer's Store Ltd., N. I. T., Faridabad. The management terminated his services, with effect from 6th December, 1971 allegedly on a charge of mis-

conduct and after holding domestic enquiry. Feeling aggrieved he raised a demand for reinstatement and back wages but without success. This gave rise to an industrial dispute. The matter was taken up for conciliation which however, ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the above dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/FD/72/14707-11, dated 13th April, 1972, with the following term of reference:—

“Whether the termination of services of Shri Lakhi Ram was justified and in order? If not, to what relief is he entitled?”

The parties were called upon to put in their respective written statements. The management contested the claim of the workman mainly on the ground that he was guilty of misconduct in the discharge of his duties and the charge had been duly established in the domestic enquiry held against him. The workman refuted the above allegation of the management and reiterated his reclaim for reinstatement and payment of back wages as earlier raised through the demand notice, dated 7th February, 1972, which forms part of the present reference. From the pleadings of the parties the only issue that arose for determination in the case was as per the term of reference stated above. The management obtained several adjournments for arriving at an amicable settlement with the workman outside the court, but then decided not to take part in the proceedings.

The workman has made his own statement on oath and brought on record his appointment letter Ex. W. 2 and certificate of good conduct Ex. W. 1. He has stated that there had never been any complaint against him, but an enquiry was conducted by the management only by way of victimisation on account of his union activities and the result of the enquiry was never communicated to him nor was he supplied the copies of the enquiry proceedings. He has further stated that he has not been plainfully employed anywhere after his removal from service by the management without any justification.

I have heard the learned representative of the workman and considered the facts on record. There is apparently no reason to disbelieve the genuineness of the claim of the workman especially in view of the certificate of good conduct given by it to the workman coupled with the fact that the management is not coming forward to contest his claim.

For the reasons aforesaid, the issue involved is decided in favour of the workman and the termination of his services by the management is found to be unjustified and not in order and, in the result, he is entitled to reinstatement with continuity of previous service and full back wages. There shall however, be no order as to costs.

Dated, the 26th November, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2641, dated 3rd December, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 11999-4 Lab.-73/40748.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s. Faridabad Central Co-operative Consumers Store, N.I.T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING
OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 144 of 1972.

between

SHRI SITA RAM AND THE MANAGEMENT
OF M/S. FARIDABAD CENTRAL CO-OPERATIVE
CONSUMERS STORE, LTD.,
N.I.T., FARIDABAD.

Present :—

Shri Darshan Singh, for the workman.

Nemo, for the management.

AWARD

Shri Sita Ram was in the service of M/s. Faridabad Central Co-operative Consumers

Store, Ltd., N.I.T., Faridabad, as a Helper at Rs. 93 P.M. His services were terminated by the management with effect from 30th January, 1971. He raised a demand for reinstatement which was not accepted by the management. This gave rise to an industrial dispute.

The matter was taken up for conciliation which also ended in failure and on receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the above dispute for adjudication to this court,—vide order No. ID FD 72/14713-17, dated 18th April, 1972, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference :—

“Whether the termination of services of Shri Sita Ram was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties and they were called upon to put in their respective written statements. The management contested the claim of the workman on the grounds that he was short tempered, old and incapable of performing his duties and these allegations were established against him in the domestic enquiry. The workman denied the above allegations and reiterated his claim for reinstatement and payment of back dues as earlier raised through the demand notice, dated 7th February, 1972, which forms part of the present reference. From the pleadings of the parties, the only issue that arose for determination in the case was as per the term of reference stated above.

The management obtained several adjournments for an amicable settlement outside the court but then elected not to take part in the proceedings.

The workman has made his own statement and produced on record a copy of the order of termination of his services Ex. W. 1. He has deposed that he had worked as a Helper for 3½ years at Rs. 93 P.M., and that he had committed no misconduct in the discharge of his duties nor had any proper enquiry been held against him. He has further deposed that he has not been gainfully employed anywhere and is willing to work with the present management.

I have heard the learned representative of the workman and given a careful consideration to the facts on record. No enquiry against the present workman in respect of any charge of misconduct has been proved in the case and I find apparently no reason to disbelieve his statement that he had been discharging his duties faithfully and is still prepared to work with the present management. There is further nothing

on the record to contradict his plea that he has not been gainfully employed anywhere after the wrongful termination of his services by the management without any justification and without giving him proper opportunity of being heard.

For the reasons aforesaid, the issue involved is found in favour of the workman concerned and the termination of his services is held to be unjustified and not in order and he is entitled to reinstatement with continuity of his previous service and full back wages. The award is made accordingly but without any order of costs.

Dated, the 26th November, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2642, dated 3rd December, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 12181 34 Lab.-73/40750.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s. Anand Industrial Corporation, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING
OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD.

Reference No. 85 of 1973

between

SHRI HARIA, WORKMAN AND THE
MANAGEMENT OF M/S. ANAND INDUS-
TRIAL CORPORATION, MATHURA ROAD,
FARIDABAD.

Present :—

Shri Pasham Singh, for the workman.
Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/72/1971, dated 17th April, 1973 of the Governor of Haryana, the following dispute between the management of M/s. Anand Industrial Corporation, Mathura Road, Faridabad and its workman Shri Haria was referred for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Haria was justified and in order?
If not, to what relief is he entitled ?

Usual notices were given to the parties. The management has pleaded that there was no workman by the name of Haria in its employment. This has been conceded by Shri Pasham Singh who has appeared on behalf of the workman. According to him the correct name of the workman concerned is Karia and not Haria. He has further stated that he does not want to proceed with the present reference as a fresh demand notice has to be given to the management in the name of the real workman.

In view of the above no further proceedings are called for in the present reference which is apparently without jurisdiction, there being no industrial dispute between the management and Shri Haria in whose name the reference has

been made. The reference has, in the result, to stand rejected and the award is made accordingly. There shall, however, be no order as to costs.

Dated, the 19th November, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1211, dated 30th November, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated, the 19th November, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

B. N. BHANOT,
Commissioner for Labour and Employment
and Secretary to Government, Haryana.

EDUCATION DEPARTMENT

The 12th December, 1973

No. 9021-Edu.II-2E-73 36722.—The Governor of Haryana is pleased to make the following amendment in the Punjab Education Code :—

For Article 201 of the said Code the following shall be substituted, namely :—

“And pupil in the Secondary Department of recognised school, who is absent without leave shall pay a fine of ten paise for each day or part of a day during which he is so absent. Any pupil in any recognised schools who is absent without leave for six consecutive school days or is continuously on sick leave for three calendar months shall be struck off the roll and shall not be re-admitted without payment of a fresh-entrance fee. Names of girls shall be struck off the roll for absence without leave after ten consecutive days.

KULWANT SINGH,
Commissioner and Secy.

IRRIGATION AND POWER DEPARTMENT

The 10th December, 1973

No. 4568-5PWII-73, 48030.—In exercise of the powers conferred by Section 48 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor of Haryana withdraws from the acquisition of the land specified below in respect of which a notification under Section 4 read with Section 17 of the said Act was issued with Haryana Government, Irrigation and Power Department No. 6873-2PW-(2)-72, 17049, dated 22nd May, 1972 and declaration under Section 6 read with Section 17 thereof was issued with Haryana Government, Irrigation and Power Department No. 8036-5PWII-72 28435, dated 4th September, 1972.

SPECIFICATION OF THE LAND FOR DENOTIFICATION

| District | Tehsil | Locality/Village and H.B. No. | Area in acres | Description of area/Remarks |
|--------------|--------|----------------------------------|------------------|---|
| Mohindergarh | Dadri | Dadri, H.B.No. 147 | 17.66 | <p>Prior to consolidation— <i>Khasra Nos.</i> 471/3, 472/1, 475/1, 477/3, 2246/478/1, 2247/47/81</p> <p>After Consolidation— <i>Rect. Nos.</i> <i>Killa Nos.</i> 97 11 min, 12 min, 19 min, 20. 98 2'1 min, 2/2 min, 3 min, 6/2 min, 7/1 min, 7/2 min, 8 min, 9 min, 10 min, 11/1 min, 11/2 min, 12, 13, 14, 15 min, 16, 17, 18/1, 18/2, 19, 20 min, 21 min, 22, 23, 24, 25'1, 110, 1/1 min. Path running in Killa No. 97/11-20 As demarcated at site.</p> |

P.P. CAPRIHAN,
Commissioner and Secy.

IRRIGATION DEPARTMENT

The 17th December, 1973

No. 15316/1-L.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expense, for a public purpose, namely, for the construction of Badal Bund from R. D. 0 to tail R. D. 700 in village Nangal Chaudhri in Tehsil Narnaul of Mahendragarh District, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking along with their servants, workmen etc. to enter upon and survey land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of land in the locality may within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Public Works Department, Irrigation Branch Ambala City.

SPECIFICATION

| District | Tehsil | Village | Area in acres | Boundary |
|--------------|---------|--------------------|------------------|--|
| Mahendragarh | Narnaul | Nangal Chaudhri | 0.822 | <p>Hadbast No. 244 Rectangle No. 70 Killa Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13/1, 13/2, 14, 15, 91/1 Rectangle No. 60 Killa Nos. 21/1, 21/2, 24, 25 Rectangle No. 61 Killa Nos. 21, 22, 23, 24, 25</p> |